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EXTRAORDINARY

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PART II — Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 19th September, 2022/Bhadra 28, 1944 (Saka)

THE LAKSHADWEEP (RIGHT TO PUBLIC SERVICES) REGULATION, 2022

No. 2 OF 2022

Promulgated by the President in the Seventy-third Year of the Republic of India.

A Regulation to lay down an obligation upon every public authority in the Union territory of Lakshadweep to provide for timely delivery of public services to the eligible persons and for grievance redressal mechanism in case of default and for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Lakshadweep (Right to Public Services) Regulation, 2022. Short title and commencement.

(2) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Regulation.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union territory of Lakshadweep appointed by the President under article 239 of the Constitution;

(b) "Appellate Authority" means a Union territory Appellate Authority constituted under sub-section (1) of section 12;

(c) "complaint" means a complaint filed by an eligible person regarding any grievance relating to, or arising out of, any failure in rendering of services as notified in section 4 or in the functioning of a public authority, but does not include grievance relating to the service matters of a public servant whether serving or retired;

(d) "Designated Authority" means the officers designated by the public authority under sub-section (1) of section 9;

(e) "Designated Officer" means an officer whose name is published under sub-section (1) of section 5 for rendering of services;

(f) "eligible person" means a person who is eligible for obtaining the services notified under section 4;

(g) "Grievance Redressal Officer" means a Grievance Redressal Officer designated as such under sub-section (1) of section 6;

(h) "member" means a person appointed as a member of the Union territory Appellate Authority under sub-section (2) of section 12;

(i) "notification" means a notification published in the Official Gazette and the term "notify" or "notified" shall be construed accordingly;

(j) "prescribed" means prescribed by rules made by the Administrator under section 29;

(k) "public authority" means any authority or body or institution of Government established or constituted,—

(i) by or under the Constitution in the Union territory of Lakshadweep;

(ii) by any other law made by Parliament;

(iii) by notification issued or order made by the Administrator, and includes any,—

(a) body owned, controlled or substantially financed by funds provided by the Administrator;

(b) non-Government organisation substantially financed directly or indirectly by funds provided by the Administrator;

(c) an organisation or body corporate in its capacity as an instrumentality of "State" as defined under article 12 of the Constitution and rendering services of public utility in the Union territory of Lakshadweep;

(d) a Government company as defined under clause (45) of section 2 of the Companies Act, 2013, which is a State Public Sector Undertaking; 18 of 2013.

(e) any other company which supplies goods or renders services to the Union territory in pursuance of an obligation imposed under any Central Act or State Act or under licence or authorisation under any law for the time being in force;

(iv) by an agreement or memorandum of understanding between the Union territory and any private entity as Public Private Partnership or otherwise;

(l) "service" means all the goods and services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority;

(m) "Union territory" means the Union territory of Lakshadweep.

CHAPTER II

RIGHT TO DELIVERY OF SERVICES

3. Subject to the provisions of this Regulation, every eligible person shall have the right to time bound delivery of services and redressal of grievances. Right to services.

4. The Administrator may, from time to time, notify the services to which this Regulation shall apply and the stipulated time limits within which the services shall be provided. Notification of services by Administrator.

5. (1) A public authority shall, within two months of the notification issued under section 4, publish the names and addresses of Designated Officers responsible for rendering of services notified under section 4. Obligation of public authority to publish names of Designated Officers responsible for rendering services.

(2) It shall be the duty of the Designated Officer to provide public services to the eligible persons within the time limit as specified in the notification issued under section 4.

CHAPTER III

GRIEVANCE REDRESSAL OFFICERS

6. (1) Every public authority shall designate as many officers as may be necessary as Grievance Redressal Officers in all departments, administrative units or offices in the Union territory, notified areas, panchayats and such other offices where services are rendered to receive, enquire into and redress any complaints from eligible persons in such manner as may be prescribed: Grievance Redressal Officers.

Provided that the Grievance Redressal Officer so designated shall be an officer of the level as may be prescribed.

(2) Every public authority shall display at its office or its website or customer care centre or help desk or *Jan Seva Kendra* and at the sales outlet, if any, and at the office of the Grievance Redressal Officer, the name of the Grievance Redressal Officer, his address and telephone number, E-mail address, facsimile number and other means, if any, of contacting him.

(3) Every public authority shall designate such number of Grievance Redressal Officers under sub-section (1) for such areas, as it may consider necessary, for the Grievance Redressal Officer to be easily accessible and available for redressal of grievance of the public.

(4) Where a complainant is unable to make a complaint in writing, the Grievance Redressal Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

7. The Grievance Redressal Officer shall, within three working days of receipt of the complaint, acknowledge such receipt, in writing or through electronic means or through text message or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time frame within which the complaint shall be redressed. Acknowledgement of complaint by receipt thereof.

8. (1) Upon receipt of a complaint under section 6, it shall be the duty of the concerned Grievance Redressal Officer to ensure that,— Duties of Grievance Redressal Officer.

(a) the grievance is remedied within such time as may be prescribed;

(b) the reason for the grievance is identified, the grievance is redressed satisfactorily and the responsibility, if any, of the defaulting person is fixed;

(c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an individual, action is taken in accordance with the applicable rules; and

(d) where the Grievance Redressal Officer is convinced that the Designated Officer responsible for the rendering of the services has wilfully neglected to render the service or there exists *prima facie* grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redressal Officer shall make an observation to that effect and refer the same to the appropriate authority in writing. 49 of 1988.

(2) The Grievance Redressal Officer shall ensure that the complainant is informed in writing the manner in which his grievance is redressed.

(3) The Grievance Redressal Officer shall, within such time as may be prescribed, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of the complaint to the Designated Authority referred to in section 9.

CHAPTER IV

DESIGNATED AUTHORITY

Designated
Authority.

9. (1) Every public authority shall designate such officers as Designated Authorities in all its administrative units and offices as it may deem necessary who shall hear complaints referred to it under sub-section (3) of section 8.

(2) Every complaint received by the Designated Authority under sub-section (3) of section 8 shall be deemed to be an appeal before such authority.

(3) Any person aggrieved by a decision of the concerned Grievance Redressal Officer or who has not been informed in writing the manner in which his grievance has been redressed in respect of a complaint filed by him may, within thirty days from the expiry of such decision or from the receipt of such decision, prefer an appeal to the Designated Authority:

Provided that the Designated Authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(4) The receipt of an appeal under sub-section (3) shall be acknowledged by the Designated Authority in writing or through electronic means or through text message or through any other means as may be prescribed, within three working days.

(5) Every appeal filed under sub-section (3) or deemed appeal under sub-section (2) shall be disposed of by the Designated Authority within such time as may be prescribed.

(6) The Designated Authority shall arrange to deliver copies of the decision to the parties concerned within such time as may be prescribed.

Other powers
of Designated
Authority.

10. (1) Where it appears to the Designated Authority that the grievance complained of is *prima facie* indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988 on the part of the officer complained against, then it shall record in writing such evidence as may be found in support of such conclusion and shall in writing refer the same to the appropriate authority. 49 of 1988.

(2) The Designated Authority shall upon adjudication of a complaint have the powers to issue directions requiring the concerned officers of the public authority to take such steps as may be necessary to render the services in compliance of the notification issued under section 4.

CHAPTER V

UNION TERRITORY APPELLATE AUTHORITY

11. (1) Any person who does not receive a decision within such time as may be prescribed or is aggrieved by a decision of the Designated Authority may, within thirty days from the expiry of such period or from the receipt of such a decision, prefer an appeal to the Union territory Appellate Authority:

Appellate
Authority.

Provided that the Appellate Authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(2) The decision of the Appellate Authority under this section shall be binding.

12. (1) The Administrator shall, by notification in the Official Gazette, constitute one or more Union territory Appellate Authority to exercise the powers conferred on or imposed upon and to perform the functions assigned to it under this Regulation.

Constitution
of Union
territory
Appellate
Authority.

(2) A Union territory Appellate Authority shall consist of such number of members, not exceeding three, as may be prescribed.

13. A person shall not be qualified for appointment as a member of Appellate Authority unless he is or has been an officer holding or has held a post in the rank of, or equivalent to, a Secretary or Principal Secretary or Additional Chief Secretary or Chief Secretary to the Union territory Administration.

Qualifications
for
appointment
as member of
Appellate
Authority.

14. (1) A person appointed as member of Appellate Authority shall hold the office for a term of three years from the date on which he enters upon office or until he attains the age of sixty-five years, whichever is earlier.

Term and
other
conditions of
service of
member of
Appellate
Authority.

(2) The salary and allowances payable to and the other terms and conditions of service of a member of the Appellate Authority shall be such as may be prescribed:

Provided that if a member at the time of his appointment is in receipt of a pension, other than a disability or widow pension in respect of any previous service under the Union territory, his salary in respect of the service as member of Appellate Authority shall be reduced by the amount of that pension, including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent or retirement gratuity:

Provided further that where a member, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any State Act or a Government company owned or controlled by the Union territory Administration, his salary in respect of the service as a member shall be reduced by the amount of pension equivalent to the retirement benefit:

Provided also that neither the salary and allowances nor the other terms and conditions of service of a member of Appellate Authority shall be varied to his disadvantage after the appointment.

15. (1) Any member of the Appellate Authority, may, by notice in writing under his hand addressed to the Administrator, resign his office.

Resignation
and removal.

(2) Notwithstanding anything contained in sub-section (1), the Administrator may by order remove from office a member if the member,—

(i) is adjudged an insolvent; or

(ii) has been convicted of an offence which, in the opinion of the Administrator involves moral turpitude; or

(iii) engages during his term of office in any paid employment outside the duties of his office; or

(iv) is, in the opinion of the Administrator, unfit to continue in office by reason of infirmity of mind or body; or

(v) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

Powers of
Appellate
Authority.

16. (1) The Appellate Authority shall, for the purposes of its functions under this Regulation, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908.

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) discovery and production of any document or other material object producible as evidence;

(iii) receiving evidence on affidavits;

(iv) requisitioning of any public record;

(v) issuing commission for the examination of witnesses; and

(vi) such other matter which may be prescribed.

(2) The Appellate Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and subject to the other provisions of this Regulation and of any rules made thereunder, the Appellate Authority shall have the power to regulate its own procedure.

5 of 1908.

Delivery of
copies of
decision.

17. The Appellate Authority shall arrange to deliver copies of its decision to the parties concerned within such time as may be prescribed.

Other powers
of Appellate
Authority.

18. (1) The Appellate Authority shall, upon adjudication of a complaint, have the power to issue directions requiring the public authority to take such steps as may be necessary to render the services in compliance of the notification issued under section 4.

(2) It shall be the duty of the Appellate Authority to receive and inquire into a complaint from any person—

(a) who has been unable to submit an appeal to the Designated Authority;

(b) who has been refused redress of grievance under this Regulation;

(c) whose complaint has not been disposed of within the specified time limit; and

(d) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Regulation.

Burden of
proof to be on
Grievance
Redressal
Officer.

19. In any appeal proceedings, the burden of proof to establish the non-redressal of complaint, shall be on the Grievance Redressal Officer who denied the request.

Where
grievance
complained of
is a result of
corrupt
practices.

20. Where it appears to the Appellate Authority that the grievance complained of is *prima facie* indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988 on the part of the responsible officer of the public authority complained against, then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authority.

49 of 1988.

CHAPTER VI

PENALTIES AND COMPENSATION

21. (1) The Appellate Authority or the Designated Authority may impose a penalty on the Designated Officer responsible for rendering of service to the eligible person or Grievance Redressal Officer for failing to discharge his duties without any sufficient and reasonable cause.

Penalty and compensation.

(2) The penalty to be imposed on the Designated Officer or Grievance Redressal Officer under sub-section (1) shall not be less than one thousand rupees but may extend to ten thousand rupees, which shall be recovered from the salary of the officer against whom penalty has been imposed:

Provided that the concerned Designated Officer or Grievance Redressal Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him under this section.

(3) On imposition of the penalty under sub-section (1), the Appellate Authority or the Designated Authority, as the case may be, may by order, direct that such portion of the penalty imposed under sub-section (1) shall be awarded to the appellant as compensation, as it may deem fit:

Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under this section.

CHAPTER VII

MISCELLANEOUS

22. (1) Every public authority shall ensure that every Grievance Redressal Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals under this Regulation.

Reporting requirements.

(2) Every public authority shall publish, in such manner and within such time as may be prescribed, a report mentioning therein—

(a) the number of appeals and complaints received;

(b) the number of appeals and complaints disposed of;

(c) the number of appeals and complaints pending; and

(d) such other particulars, as may be prescribed, for discharge of its functions under this Regulation.

23. (1) The Administrator shall provide to the Appellate Authority with such officers and employees as may be necessary for efficient performance of its functions under this Regulation.

Officers and employees of Appellate Authority.

(2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Appellate Authority.

24. The officers and employees of the Appellate Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers and employees of Appellate Authority to be public servants.

25. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Regulation required to be settled, decided or dealt with or to be determined by the Grievance Redressal Officer or the Designated Authority or the Appellate Authority.

Bar of Jurisdiction of court.

Enforcement of orders by Appellate Authority.

26. Every order made by the Appellate Authority may be enforced by it in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the Appellate Authority to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction,—

(a) in the case of public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or

(b) in the case of an order against a public authority being a company, the registered office of the company is situated; or

(c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and thereupon, the court to which the order is so sent, shall execute the order as if it were a decree or order sent to it for execution.

Protection of action taken in good faith.

27. No suit, prosecution or other legal proceedings shall lie against any person for—

(a) anything which is in good faith done or intended to be done, in pursuance of this Regulation or any rule made thereunder; or

(b) delay in rendering of service or not being able to render service where such delay or inability is on account of reasonable cause beyond the control of the person responsible for delivery of the service.

Provisions to be in addition to existing laws.

28. The provisions of this Regulation shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

29. (1) The Administrator may, by notification in the Official Gazette, make rules, not inconsistent with this Regulation, for carrying out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:—

(i) the manner of receipt, enquiry, redressal of complaints and the level of officer to be designated as Grievance Redressal Officer under sub-section (1) of section 6;

(ii) the manner of acknowledgement of complaints received, particulars of receiver of complaint and time frame for redressal of complaint under section 7;

(iii) the time within which grievances shall be redressed by the Grievance Redressal Officer under sub-section (1) and time within which report shall be made by him to the Designated Authority of complaints which are not redressed under sub-section (3), of section 8;

(iv) the other means of acknowledgement under sub-section (4), the time within which an appeal may be disposed of under sub-section (5) and the time within which copies of the decision shall be delivered under sub-section (6), of section 9;

(v) the time within which the Designated Authority shall deliver copies of the decision to the parties concerned under sub-section (1) of section 11;

(vi) the number of members of the Union territory Appellate Authority under sub-section (2) of section 12;

(vii) the salary and allowances payable to and the other terms and conditions of service of a member of the Union territory Appellate Authority under sub-section (2) of section 14;

(viii) the other matters for which the Union territory Appellate Authority shall have power of civil court under clause (vi) of sub-section (1) of section 16;

(ix) the time within which the Appellate Authority shall arrange to deliver copies of its decision to the parties concerned under section 17;

(x) the manner and the time within which the public authority shall publish a report and other particulars for discharge of functions of the public authority under sub-section (2) of section 22;

(xi) any other matter which is or may be provided by rules under this Regulation.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

30. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Regulation as may appear to be necessary for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after expiry of two years from the commencement of this Regulation.

DROUPADI MURMU,
President.

K. BISWAL,
Additional Secretary to the Govt. of India.